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THE PRINCESS OF WALES SARASWATI BHAVANA STUDIES

EDITED BY

GANGANATHA JHA

Vol. I.

[Part I.]

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THE PRINCESS OF WALES SARASWATI BHAVANA STUDIE

refatory Note.

The Benares Sanskrit College was established in the year 1791. Ever since then, specially under its past distinguished Principals Ballantyne, Griffith, Thibaut and Venis, much scholarly work has been done within its walls;- a record whereof any institution may well be proud. Fresh impetus to such work was given when in 1905 Raja Munshi Madho Lal founded the Sadholal Trust for the endowment of scholarships for research work carried on at the Princess of Wales Saraswati Bhavana, which is the Library attached to the College.

The work of all these scholars and researchers has now been put on a regular footing, and rather than let each scholar shift for the publication of his own work here and there, which brings no direct credit to the institution where all the work is done—it has been thought more desirable to make arrangements for the publication of a Journal on our own account, which shall embody the work done (a) by myself as Principal of the College, (b) by Pandit Gopī Nāth Kavirāj, our gifted Librarian, (c) by Pandit Nārāyaṇa Śāstrī Khiste, our Assistant Librarian, and (d) by the scholars of the Sadholal Foundation, who do all their work under our supervision at the Library.

In addition to all this, we shall welcome contributions from well-known scholars from outside.

A proposal to this effect was made to Government on 9th November 1918, and through the efforts of our Director

of Public Instruction, His Excellency Sir Harcourt Butler—whose equal as an encourager of scholarly work in Sanskritic fields it will not be easy to find— has accorded a ready sanction to the scheme; and it is by virtue of this that we are now in a position to proceed on with our work.

At present we do not feel justified in starting a regular periodical Journal-not knowing what amount of material of the right sort we may be able to get together, or what amount of support the public is going to extend towards the project. It is hoped, however, that before long we shall be enabled to arrange for the Journal to appear at regular intervals during the year.

For the present it is proposed to restrict the extent of the Journal to 200 pages for each volume. Whether the whole volume will be published in one part at once or in a number of parts gradually will of course depend on circumstances. In addition to articles from the pen of the persons mentioned above, we hope to publish portions of an Index to the Śābara Bhāṣya, prepared by the late versatile scholar Colonel G. A. Jacob, kindly handed over to us by his heirs, through the kind intervention of Dr. Thomas of the India Office Library, London.

It is our hope that it shall be given to us to make the Journal worthy of the traditions of the institution to which we have the honour to belong, and whose fair name it has pleased Providence to place in our hands.

All that we can say is that we shall try our best to prove true to the trust that has been re posed in us.

Sanskrit College,
Benares. GANGANATHA JHA,
20th March, 1922.

STUDIES IN HINDU LAW : I.—Its Evolution.

BY

GANGANATHA JHA.

The Law of the Hindus—like everything else conducive to the welfare of Man—has its source in the revealed word of the Veda. The Hindu will not admit of any other source for his *dharma*. Jaimini, long before the fifth century B.C., formulated in his Sūtra the three propositions that—(1) what is good for man can be learnt from the Veda, (2) it can be learnt from the Veda only, and (3) whatever the Veda says must be true. This supreme authority of the Veda is based upon its own eternal and immutable character (according to Pūrva-Mīmāmsā and Vedānta) and upon the fact of its being the work of the omniscient God (according to Nyāya).

As to what is Veda, all the older writers are agreed that the name includes the entire body of documents known to us as '*Samhitā*', '*Brāhmaṇa*' and '*Upaniṣad*'; and every one of these is of use in ascertaining one's duties.

Though such is the generally accepted Hindu conception of the '*Veda*', modern scholars have, mainly on philological grounds, tried to discover a certain order of sequence among the three said sections. They have found, for instance, that the '*Samhitā*' bears distinct traces of being the oldest work, followed by the '*Brāhmaṇa*', which, in its turn, is followed by the '*Upaniṣad*'. This view of sequence in time derives some support also from the subject-matter

of these works. The main subject of the '*Samhitā*' consists of injunctions of sacrificial acts and the several details bearing upon those acts;—the '*Brāhmaṇa*' contains explanations of, and speculations on, the injunctions contained in the '*Samhitā*', and is, on that account, regarded in the light of a 'Supplement'; and it has been held that considerable time must have elapsed between the two;—later on, when the tendency to philosophise and to look into the innermost import of things set in, there came the '*Upaniṣad*', which, though not throwing the sacrificial acts entirely over-board, began to relegate them to a secondary position and laid greater stress upon meditation on the inner essence of things, which led the man to absolute Release, and not merely to a magnified kind of happiness in the shape of 'Heaven', which was the highest reward for sacrificial acts.

Though the above explanation cannot be accepted as entirely satisfactory,—for the simple reason that the precise line of demarcation in the subject-matter, which is pre-supposed by the above account, is not so clearly discernible as to warrant the conclusions deduced,—philosophical speculations and injunctions to meditate upon the innermost essence of things being met with in the '*Samhitā*' also,—yet we can admit it so far that in the Veda, as consisting of the '*Samhitā*', the '*Brāhmaṇa*' and the '*Upaniṣad*', we have a body of teachings whose practical utility bore upon different epochs of time; and this is all that we are concerned with on the present occasion; as it goes to indicate that, though the source of our Law is eternal and immutable, yet even in its remotest sources it bears signs of being distinctly progressive,—taking into account the varying conditions of time and place.

This same progressive spirit and desire for adapting the Law to changing conditions of life gave rise to the '*Smṛti*'.

The Hindu will not admit that the *Smṛtis* contain anything new, not already contained in the *Veda*; his firm belief is that the *Smṛtis*, as the very name implies, are law-books written down from memory, by the sages, who themselves knew the Veda, but recognised the fact that for the degenerate man of a later generation it was not possible to either *comprehend, or carry in his mind, all that the* Veda *had* to tell; and hence prompted by compassion for their weaker brethren, they wrote out simple hand-books, bringing together therein, in more intelligible language, and within a smaller compass, all the teachings that lay scattered through the vast literature of the *Veda*.

It cannot however be denied that the *Smṛtis* mark the second stage in the development of Hindu Law. As the community expanded and inhabited diverse and remote tracts of the land,—such expansion being indicated in the Veda itself, which speaks, for instance, of the eastward march of the '*Vaiṣhvānara* fire', to the borders of the country of the 'Videhas',—their needs became diverse; and the wise men found out that the same body of laws could not, with benefit, be applied to all. This gave rise to a large number of *Smṛtis* being compiled and promulgated to suit the needs and conditions of the several peoples It has to be borne in mind that at the time of which we are speaking, means of communication being difficult, several *Smṛtis* would, most likely, have grown up side by side in different parts of the country. This may be one of the reasons for the view held by later writers that all *Smṛtis* are equally and universally binding (See *Ṭantra-vārtika*, Translation, pp. 154-168).

The conservative Hindu mind however was not easily ready to accept the authority of these, law-books; and the grounds of doubt have been thus stated by Kumārila :—

" Inasmuch as these *Smṛtis* have emanated from human authors, and are not eternal, like the Veda, their authority cannot be self-sufficient. The *Smṛtis* of Manu and others are dependent upon the memory of their authors, and memory depends for its authority on the truthfulness of its source; consequently the authority of not a single *Smṛti* can be held to be self-sufficient, like that of the Veda; and yet, inasmuch as we find them accepted as authoritative by an unbroken line of respectable persons learned in the Veda, we cannot reject them as absolutely untrustworthy. Hence it is that there arises a doubt as to their trustworthy character"—(*Tantravārtika*, Translation, p. 105)."

They accepted the authoritative character of the *Smṛtis* only when they were convinced that they contained nothing new, that they only put into simple and clearer language what was already contained in the Veda. This authority being once admitted, the Hindu mind adhered to it loyally, and with characteristic tolerance and accommodativeness, was ready to find explanations for difficult cases. For instance, when it was found that a certain *Smṛti* contained something for which corroboration in the Veda could not be found, the explanation provided was that during the long period of time that had elapsed, several recensional texts of the Vedas had become lost, and it was, for that reason, not safe to assert that any particular assertion of a *Smṛti* had no corroboration in the Veda,—such corroborative texts must have been known to the compilers, who profess to compile the law as learnt from the Veda, and are actually found to do so in several cases.

At this remote period of time however, it has to be admitted that though on such matters as offerings, penances and prayers we find much information contained in the

Vedas,—so that the source of the *Smṛtis* on these matters is clearly discernible in them,—this becomes extremely difficult when we come to purely juristic matters. In connection with such matters, even what the *Smṛtis* themselves cite as their authority in the Veda, rests, to a great extent, on the juristic reading of originally rather irrelevant utterances; e.g. the equal division of the father's property among the sons has been described as based upon the story in the Veda regarding the division of his property by Manu among his sons.

As regards the works included under the generic name '*Smṛti*', there is some difference of opinion among Hindu writers on Law. While later writers would include all '*Itihāsas*', '*Purāṇas*', '*Sūtras*'—*Dharma*, *Gṛihya* and *Srauta*—and all the 28, 36 or 48 works known as '*Smṛtis*',—Kumārila (*Tantra-vārtika*, Translation, p. 244) makes a distinction. He places the '*Itihāsas*,' the '*Purāṇas*' and the '*Smṛti of Manu*' on one side, as having authority over the entire '*Aryāvarta*', and the other *Smṛitis* on the other, as having only limited authority. For example, he cites the *Sūtras* of Gautama and Gobhila, which are accepted only by *Ṛgvedins*, the works of Śankha and Likhita, as binding only on *Vājasaneyins*, and those of Āpastamba and Baudhāyana as accepted only by *Kṛṣṇayajurvedins*. It is interesting to note however that Kumārila mentions the limitedness of authority only as an existing fact; he does not, on that account, regard the authority of any *Smṛti* as inherently restricted by any limitations. His position is that every *Smṛti*, as based upon the immutable and universally authoritative Veda, must be possessed of universal authority; and as regards the well-known fact, mentioned above, that in practice a few Smṛtis are found to have their authority restricted to certain persons only,—he provides the explanation that one *Smṛti* is accepted by one section of the people, and not

by all, because those are the only people who can, by their peculiar circumstances, carry out in practice the injunctions of that *Smrti*. This explanation is not entirely satisfactory; because as a matter of fact, between the injunctions contained in two such *Smrtis*—those of Gautama and Vasiṣṭha, for instance,—we do not find any such divergence that whilst one section of the people would be able to follow the one, another section would find it impossible to do so. There are differences, it is true; but the real explanation of these lies in the spirit of adaptation that lies at the root of all progressive legislation: Under the influence of this spirit, it was only natural that one *Smṛti*, compiled under one set of local conditions, should differ from another compiled under different conditions; and that the authority of each should be restricted to its own peculiar locality.

As regards the exact number and names of the works included under the name '*Smṛti*', there is no unanimity of opinion. Regarding the Purāṇas the authorities are generally agreed that there are 18 *Mahā* or Major Purāṇas and 18 *Upa* or Minor Purāṇas. Under '*Itihāsa*' also all writers include the *Rāmāyaṇa* and the *Mahābhārata*. But when we come to the so-called '*Dharmashāstra*' *Smṛtis*, we find several lists. Yājñavalkya mentions twenty names—*viz*: (1) Manu, (2) Atri, (3) Viṣṇu, (4) Hārīta, (5) Yājñavalkya, (6) Usanas, (7) Aṅgiras, (8) Yama, (9) Āpastamba, (10) Samvarta, (11) Kātyāyana, (12) Bṛhaspati, (13) Parāsara, (14) Vyāsa, (15) Śaṅkha, (16) Likhita, (17) Dakṣa, (18) Gautama, (19) Śātātapa, and (20) Vasiṣṭha. Paiṭhīnasī mentions 36, as follows:—(1) Manu, (2) Aṅgiras, (3) Vyāsa, (4) Gautama, (5) Atri, (6) Usanas, (7) Yama, (8) Vasiṣṭha, (9) Dakṣa, (10) Samvarta, (11) Śātātapa, (12) Parāśara, (13) Viṣṇu, (14) Āpastamba, (15) Hārīta, (16) Śaṅkha; (17) Kātyāyana (18) Bhṛgu, (19) Prachētas, (20) Nārada,

(21) Yogin (Yājñavalkya), (22) Baudhāyana, (23) Pitāmaha, (24) Sumantu, (25) Kaśyapa, (26) Babhru, (27) Paiṭhīnasi, (28) Vyāghra, (29) Satyavrata, (30) Bharadvāja, (31) Gārgya, (32) Kārṣṇājini, (33) Jābāli, (34) Jamadagni, (35) Laugākṣi, and (36) Brahmasambhava. It is not necessary to add further lists. The generally accepted opinion appears to be that like the 18 *major* and 18 *minor* Purāṇas, there are 18 *major* and 18 *minor* Smṛtis also. (For further particulars regarding these lists, we refer the reader to Prof. Jolly's Tagore Law Lectures, Lect. III).

This diversity in the list of authorities on Law also bears testimony to the progressive spirit at work in this branch of literature.

This same adaptability is also shown by the fact that while every *Smṛti* deals in the main with what the author regards as perfect or ideal *dharma*, it always has a section dealing with what has been called '*āpaddharma*', 'Dharma during difficulties'; wherein the peculiar circumstances of the man are fully considered and his duties laid down in accordance with them. Manu himself has a section on '*Āpaddharma*' (Adhyāya X, verses 81, 98, 102, 118, 121).

With further advance of time, the *Smṛtis* also ceased to satisfy the growing needs of men and the changing conditions of their life; and inasmuch as works composed at the time did not command the same respect as the older Smṛtis, people turned to the respectable persons of their community for guidance by example. Precept was not considered enough, and people had to be guided by Example. Thus came in the authority of '*Sadāchāra*', *Practices of Good Men*, which in course of time became fossilised into 'Custom'.

As regards the reliability of 'Practices of Good Men', the *prima facie* arguments put forward by Kumārila against it are so refreshing in their candour and so interesting in the information they provide regarding some of the social conditions obtaining in the author's own days (7th or 8th century) that I may be permitted to quote them :—

" In the Practices of Good Men we often find transgressions of *Dharma*, and certain very bold excesses, as in the cases of Prajāpati, Indra, Vasiṣṭha, etc., etc. For instance—(1) we find Prajāpati running after his own daughter; (2) Indra misbehaved with Ahalyā; (3) Vasiṣṭha, under the influence of grief at the death of his hundred sons, is said to have contemplated suicide . . . . (4) Bhīṣma led a life of life-long celibacy which was contrary to the rules of his caste; (5) Yudhiṣṭhira married a wife that had been won by his younger brother, Arjuna, and told a lie for the purpose of encompassing the death of his Brāhmaṇa preceptor. Among the people of our own day the Brāhmaṇa women of Ahichchhatra and Mathurā are addicted to wine; the Brāhmaṇas of the North engage in such business as the giving and accepting, and buying and selling of lions, horses, mules, asses and camels; and they eat out of the same dish with their wife, children and friends;—the people of the South marry their maternal cousins and partake of food while sitting on chairs;—in the North as well as in the South, people take food that has been left behind by their friends and relations; they take betels touched by all castes; they do not wash their mouths after meals; they wear clothes directly brought from the washerman". (*Tantravārtika*, Translation, pp. 182—183)."

Such transgressions have been referred to by Āpastamba also, when he says—' *Dṛṣṭo dharmavyatikramaḥ sāhasañcha pūrveṣām* '. The justification suggested by Āpastamba is the

lame one that the great men of antiquity were possessed of superhuman powers, and as such not subject to the same limitations as ordinary men.

Kumārila however adopts a bolder course. He undertakes to explain the instances of transgression mentioned by treating some of the stories as more or less allegorical, and others he puts in a light that renders them less objectionable. For instance, in regard to the story of Prajāpati having run after his own daughter, he supplies the following explanation :—

"The word '*prajāpati*' means *one who protects all creatures*; as such it can be taken as a name of the Sun; and it is an ordinary fact that towards the end of night the Sun touches the Dawn; as this early dawn is brought about by the Sun, it is spoken of as his 'daughter'; and it is the following of the Sun after Dawn that has been described as 'Prajāpati running after his daughter'." (*Tantravārtika*, Translation, p. 189).

In regard to the story of Indra and Ahalyā also he provides a similar explanation: The etymological meaning of the word 'Indra' being the 'bright one', the word stands as the name of the Sun: and the meaning of the word '*Ahalyā*' is *that which disappears during the day*, which thus stands for the Night. So that when we find 'Indra' spoken of as the *Jāra* (ordinarily taken as meaning *paramour*, but etymologically denoting the *destroyer*) of Ahalyā, what is meant is simply that 'the Sun is the destroyer of Night.'

The action of *Bhīṣma* is condoned on the ground that what he did was due to his great regard for his father. The cases of *Draupadī* has been sought to be explained in several ways: Born out of the sacrificial altar, she was not an ordinary human being, she was an incarnation of Lakṣmī, the Goddess of wealth herself; and as such was naturally possess-

ed by several persons. Another explanation is that there were five distinct ladies, all so much alike in person and character, that they have been described under the common name 'Draupadī'. The third explanation is that she was really the wife of Arjuna alone, by whom she had been won; and when the Mahābhārata describes her as the common wife of the five brothers, it does so only with a view to provide an exaggerated idea of the extraordinarily cordial relations among the brothers.

As regards the practices of men of his own day, Kumārila unhesitatingly declares that, when we find any such practices distinctly contrary to the law as laid down in the *Śruti* or the *Smṛti*, we cannot accept such practices as authoritative.

(*Tantravārtika* Trans., P. 200).

The final conclusion in regard to this authority of practices of good men has been thus stated (*Tantravārtika*, Translation, pp. 182-183) :—

"When we find that certain actions are performed by good men, and we cannot attribute them to such perceptible motives as greed or passion, they should be accepted as *dharma*; and the reason for this is that when good men regard a certain act as *dharma*, the very fact of their being good men and learned, coupled with the fact that the act in no way proceeds from any such motive as greed or passion, is proof of the fact that the act must have some basis in the Veda."

From this it is clear that it is not all that the good man *does* that should be accepted as *dharma*; it is only what he *does* and *regards as dharma* that has to be so regarded; *Yad āryāḥ kriyamāṇaṃ praśamanti sa dharmaḥ*.

Later on again, the liberalising tendency progressed so far that even one's own conscience came to be regarded as an

authoritative guide; though later writers have restricted its authority to the selection of one out of several opinions laid down in the *Śāstras*.

Thus our Law-books preface their work with the remark that the sources of Law consist of—

> *Vedo'khilo dharmamūlaṃ smṛtiśīle cha tadvidām āchāraśchaiva sādhūnāmātmanastuṣṭireva cha* (Manu, II. 6).
>
> *Śrutiḥ smṛtiḥ sadāchāraḥ svasya cha priyamātmanaḥ* (Yājnavalkya, 1. 7).

Coming to the later *Nibandhas* or Digests, we find that these also bear ample testimony to the spirit of selection and adaptability. They are quite free in admitting or rejecting the authority of the original *Smṛti*, or even *Śrutl* texts; when they do not find a certain text suitable to their theme, they try to explain it away in various ways. We shall cite only one example of this, from the *Vīramitrodaya*, a Law-digest written in the sixteenth century: The Veda says that one who does not know the Veda cannot comprehend the nature of the Supreme Self, who is described only in the Upaniṣads, and according to the opinion held by the writer of the Digest a *Śūdra* is not entitled to the study of the Veda:—how then is the *Śūdra* to attain final Release, which can be attained only by the right knowledge of the Supreme Self? This difficulty the writer gets over by declaring that the *Śūdra* will derive the requisite of knowledge the Self from the *Purāṇas*, from the study of which he is not debarred; and with a view to reconcile this view with what has been declared in the Veda as to the Supreme Self being knowable *only through the Veda*, the writer explains this declaration of the Veda, either as only precluding the utility of such other sources of knowledge as Reasoning and the like, and not also the Purāṇa,—or as meant to refer to those persons who are

entitled to Vedic study. It is easy to see that the Vedic text is seriously mutilated by this explanation; and yet the orthodox writer of the digest had no scruples in doing this, when the found it convenient for his purposes to do so.

It is instructive to note how the centre of gravity of authority has been shifting. We have seen that in the beginning *Śruti*, the Revealed Word, was the sole authority; then there came the *Smṛti*, the work of human beings possessed of transcendental powers; which in its turn was followed by '*Āchāra*' or Custom. Among these, till the time of Jaimini, who must have lived long before the fifth century B. C., it was acknowledged that their comparative authority was in the above order; *Smṛti* more authoritative than *Custom*, and *Śruti* the most authoritative of all; this meant that in cases of conflict between *Śruti* and *Smṛti*, the latter had no authority, and in cases of conflict between *Smṛti* and *Custom* the latter had to be rejected.

This opinion continued to be held till the time of Śabara—believed to have lived before the first century B.C.,—who distinctly asserts (I—iii) that the *Smṛti* having no authority as against *Śruti*, it has to be rejected as valueless whenever it is found to conflict with the *Śruti*. But when we come to Kumārila—who is believed to have lived in the seventh or eighth century—we find that the status of the *Smṛti* has so far improved that he demurs to the view which makes any part of it valueless. Having explained Śabara's opinion as that "no authority attaches to such *Smṛti* texts as are contrary to the direct assertions of the Veda,"—he criticises, this view, and goes on to point out that, in the first place, it is not possible that there should be any real conflict between *Śruti* and *Smṛti*,—the latter being only an amplificafion of the former—and secondly, even if such conflict be actually met with, of which no other explanation can be found, the right view to take would be to regard

both as equally authoritative, as laying down two optional alternatives; it having been agreed that the *Smṛti* contains nothing more than what is already contained in the *Śruti*, any conflict between the two should be regarded as a conflict between two *Śruti* texts of equal authority, and not as between a *Śruti* text possessed of higher authority and a *Smṛti* text endowed with inferior authority (*Tantravārtika*, Translation, pp. 151-165).

This position taken up by Kumārila represents the second stage, when *Smṛti* came to be regarded as equal to the Veda in authority.

The next stage is represented by the *Nibandhas* or Law-Digests. In these we find the writers' laying far greater stress on the *Smṛti* than upon the *Śruti*. This may have been due to the simple psychological reason that they found the *Smṛti* texts more ready to hand and more easy to comprehend and manipulate than the archaic *Śruti* texts; or it may have been due to the actual shifting of the centre of gravity of authority. We have already cited an instance from the *Vīramitrodaya* to show that the *Śruti* text has been mutilated in deference to a *Smṛti* text. One more instance we find in the well-known *Kalivarjya* texts: Certain *Smṛti* texts actually prohibit during Kali-yuga the performance of *Agnihotra*, the taking of the vow of Renunciation, and certain other acts enjoined and highly extolled in the Vedas; and the *Vīramitrodaya* (*Paribhāṣā* section, p. 27) unhesitatingly asserts that the direct Vedic injunctions prescribing those texts are set aside by the *Smṛti* text.

Still later on we meet with the dictum that Custom should be regarded as of equal authority to the Śruti itself; and still later Custom came to be regarded as even more authoritative than anything else, We often find Pandits of the present day declaring—

Deśāchārastāvadādau vichintyo

Yasmin deśe yā sthititiḥ saiva kāryā.

" The Custom of a country should receive the first consideration; and in every country its Custom alone should be observed." Though we have seen that at least up to the 8th Century, Custom was relegated to a very subordinate position; in fact it came on the lowest rung of the ladder of authority.

Coming down to own our day, we find our Pandits relying entirely upon the Digests, and not troubling themselves over the original *Śruti* or *Smṛti.* In fact, they even go so far that when faced by texts that actually go against a view held by them on the strength of a certain Digest, they unhesitatingly declare that such a text cannot be regarded as authoritative, since it had not been quoted in any digest by any respectable author. A case exactly like this has come within my personal experience. Having met with a *Smṛti* text declaring that a *Śrāddha* offering of which *wheat* does not form a part is futile, I asked a great Maithila Pandit, why in our *Śrāddhas* we do not insist upon having wheat, he said that the text I had cited had not been found in any *Nibandha* and as such cannot be regarded as authoritative.

From the above it is clear that the centre of gravity of authority, which originally rested entirely in the *Śruti,* gradually shifted from *Śruti* to *Smṛti,* from *Smṛti* to Custom, and finally to the writings of a few learned and very modern authors.

All this points to the fact that in the domain of Law, there has all along been a progressive spirit at work. That this is not a mere conjecture, but a fact recognised in the highest circles of society in this country is proved by the declaration of Parāśara to the effect that—

" The *dharmas* for men in the *Satyayuga* are other than those in the *Tretā* and the *Dvāpara*; and in the *Kaliyuga* also they are different; —the *Dharma* of each Yuga being in keeping with the distinctive character of that age."

This same declaration is found in Manu (II-85), with this important variation that instead of saying that—" the *Dharma* of each *Yuga* is in keeping with the distinctive character of that age,"—he says that " the difference in *Dharma* is due to the gradual decay evinced in the character of the people of each age." And the *Vīramitrodaya* (*Paribhāṣā* Section, p. 49) explains this to mean that the *Dharmas* peculiar to each *Yuga* differ on account of the difference in the capacities of the men called upon to observe those *Dharmas*. This view is supported by Baudhāyana, who says—" One should perform the necessary duties, *so far as he is capable of doing*"; and also the *Kūrma-purāṇa*—' One should perform his duties in accordance with his capacity.'

A similar explanation is given by the *Vīramitrodaya* (P. 49) of Parāśara's declaration that—

" The *Dharmas* for the *Satyayuga* are those prescribed by Manu; for the *Tretā* those by Gautama; for the *Dvāpara* those by Śaṅkha and Likhita; and for the *Kali*, those by Parāśara".

It goes on to say—" What is meant is that the *Smṛti* of Manu does not deal in detail with the duties that could be performed by men endowed with such capacity for work as we find in the *Kali* age; and hence when Parāśara says that the *Dharmas* for the Kali age are those prescribed by Parāśara,—what he means is that his work is superior to the other *Smṛtis* by reason of the fact that what is therein laid down is such as can be performed by men of the *Kali* age."

This actual adaptation of the Law to changing conditions went on effectively so long as there was present in the country a temporal authority sufficiently interested and strong enough to lend to the changes its support and thereby supply the necessary driving force. An illustration of this is found in what has happened in Mithilā. The Digest that was originally accepted as the most authoritative was the *Kṛtyakalpataru* (often spoken of as '*Kalpataru*') of Lakṣmīdhara;—this was supplanted by *Ratnākaras* of Chaṇḍēśvara, who was minister at the Court of the early rulers of *Mithilā*, who reigned there to nearly the close of the thirteenth century, and belonged to the dynasty of *Karṇāta Kṣattriyas*; and the *Ratnākaras* were subsequently supplanted by the *Chintāmaṇis* of Vāchaspati Miśra who was the chief Pandit at the court of the Brāhmaṇa rulers of Mithilā, of the *Oinbār* dynasty which flourished till the end of the fifteenth century. Though Mithilā itself has produced several other, and more valuable digests—among others the *Vivekas* of Vardhamāna and the *Kaumudīs* of Devanātha—yet, inasmuch they lacked the driving force of temporal authority, they have continued to remain in the background.

Having thus dealt with a general survey of the Sources of Hindu Law, we shall now turn our attention to certain criticisms offered and remarks made by modern students of that Law.

The first criticism that calls for remark is that—"*Vyavahāra* occupies but a small fragment of their energies, which is all spent on *Āchāra* and *Prāyaśchitta*" (Govindadāsa—Introduction to his edition of the *Mitākṣarā* with the *Balāmbhaṭṭi* Commentary, Page 4).

As regards the earlier law-books, the learned writer himself explains this as having been due to the fact "that they were written under an over-powering sense of the meanness

and worthlessness of the life of the world by their ascetic-minded *Ṛṣi* authors" (P. 5). However much we may deplore a certain fact of omission or commission, we should not grumble at it when we find it to have been due to the very nature of the writer; it is not right to impose our own standard of right and wrong, of proper and improper, of useful and harmful, on writers several centuries old, and then to judge them by that standard. Taking for granted that the authors had an over-powering sense of the worthlessness of worldly life, it has to be regarded as only right that they devoted so little attention to *Vyavahāra*. Coming down to the Commentaries and the Digests, which the writer rightly remarks "were composed after the Moslem hordes had begun to pour into India, and down to the days of full conquest and consolidated rule, and then its final destruction at the hands of the English",—even though the authors did not belong to the aforesaid class of older people with an over-powering sense of the worthlessness of worldly life, yet they were wise enough to perceive that the administration and control of the worldly concerns of the people had passed from their hands to the hands of persons who would pay no heed to their counsels, and hence they avoided that branch of law as much as possible. Even the little of *Vyavahāra* that we still find in our later law-books is due to the fact that somehow or other, even later rulers continued to pay some attention to the old laws of the land in regard to inheritance and cognate matters. This is the reason why, of all various matters falling under Vyavahāra, it is 'Inheritance' to which these writers devoted the greater part of their energies.

There may have been other reasons for this omission, as the learned Editor and also the author of the *Hindu Law of Adoption* (Tagore Law Lectures) have put forward. But it seems scarcely fair to omit to take into account other possible

explanations, which are not so discreditable to the writers of the Digests, and to impute to them the worst motive imaginable; and yet this is what has been done by the author of the *Hindu Law of Adoption*, in the following words:—

"Keenly alive to the interests of their own religion, and of their own class, which would have very materially been endangered in the eye of Hindu Society, had they taken the false step of seeking worldly prosperity and political position, (they) adopted the proper course of severing their connection with, and of withdrawing from, the political government ef the country, and chose to retain their position of religious and social supremacy among the Hindu Community. Henceforth they devoted their undivided attention to religious matters, ceased to be practical lawyers, and became more narrow minded than ever."

In this connection the question naturally suggests itself—when the temporal power passed into *non-Hindu* hands, was it *from choice* that the Brāhmaṇas withdrew from political government?

Another criticism levelled against the Hindu Law-books, put forward first of all perhaps by Sir Henry Maine, and frequently quoted with apparent approval by several writers since, is that—"It does not as a rule represent a set of rules ever actively administered in Hindustan. It is in great part an ideal picture of that which, in the view of the Brahmans, ought to be law" (*Ancient Law*, P. 17).

The latter statement contained in this passage we can readily admit. In fact the business that these writers set before themselves was just the drawing of the picture of ideal Society;—what is '*Dharma*' except the ideally perfect conduct? It is not fair to attribute to them the motive that they intended to provide *complete codes of law as actually enforced*,

and then to turn against them for not having succeeded in doing it. Their motive was to depict an ideal picture, and if they have succeeded in doing this, they have done what they set out to do. Then again, as regards the statement that—"the work does not represent a set of rules ever actively administered in Hindustan"—the historical data available in regard to the periods covered by our older law-books are so meagre that they cannot be deemed, by any fair-minded person, sufficient to warrant any conclusion one way or the other. If references in poetical literature are to be regarded as any criterion, the Law of Manu at any rate would appear to have been "actively administered" [*Vide Raghuvaṃśa*, I, and *Kirātārjunīya* I; where Kings are described as having ordered their life's business in strict accordance with the laws laid down by Manu].

It will not be out of place here to offer a few remarks on the so-called 'Schools' of Hindu Law. So much has been written for and against this conception of "law-schools" by several able lawyers that a lay-man can touch the subject only with trepidation.

As early as the Seventh Century A. D., we find Kumārila (*Tantravārtika* Translation, P. 245) declaring that while the *Smṛti*, of Manu is regarded as binding throughout Āryāvarta, all other *Smṛtis* have a limited jurisdiction; and from what he says in a subsequent passage it is clear that the limitation in the jurisdiction was not territorial; it rested upon the diversity of the *Śākhās* or Rescensional Texts of the Vedas,—the followers of different *Śākhās* accepting different *Smṛtis* for their supreme authority. This seems to have been at the root of the conception of diverse Schools of Law; though this conception as current among the older Hindu lawyers differs from that which has found currency in modern Indian Law. For the former, all Law, based as it

must be upon the Veda, must be equally binding on all men; and the only limitation that they would allow would be, either (1) that due to the capacty of individuals, as declared by Kumārila—

"in both cases, the injunctions or the prohibitions distinctly refer to all persons that have the capability of doing the acts enjoined or prohibited, and as such none of these can ever be taken as having a restricted application, as referring to any particular place, time or persons";—

or (2) that justified by qualifying words or phrases in the texts themselves, as—

"in certain cases it does happen that, though the capability of performing the act belongs to all men, yet the action is distinctly restricted to certain definite classes of men by means of restrictive qualifying words; as for instance, the *Rājasūya* is laid down as to be performed by the *Kṣattriya*, the *Vaiśyastoma* by the *Vaiśya*, and so forth."

(*Tantravārtika* Translation, P. 247).

It has to be borne in mind that all this implies that the restrictions are lawful only when they form part of the dispensation of the same immutable and all-authoritative Law, either of 'Nature' or of the 'Veda.'

Such was the conception of the 'Schools' among the older lawyers. The modern conception of the 'Schools' of Hindu Law, on the other hand, would appear to be of a somewhat different kind. It appears to be based upon the diversity in the later interpretations of the older texts, and upon the subsequent predilections and customs of the particular peoples concerned. But, though it may be true that there are certain well-recognised differencess between such interpretations current among the people of the 'North' and

of the 'South',—it is no less true that the differences were primarily due, not to any diversity in the Law itself, but to the diversity in the conditions of the peoples among whom the Law had to be administered, which, in course of time, developed into what came to be called 'Customary Law', which in its turn, affected the trend of the original Law in its actual administration.

In view of the above facts, though there does appear to be some such division as into the 'Mitākṣarā School', the 'Mayūkha School' and so forth,—there is no justification for assigning to those Schools hard and fast territorial jurisdictions. For as a matter of fact, of these digests—*Mitākṣarā* or *Mayūkha*, or any other—there is not a single one that is entirely excluded in any part of the country, nor any single one on which complete reliance is based. The notion too that these digests came to be the basic authority of a particular tract of the country by virtue of their having been written under the auspices of the King ruling over that land, is easily dispelled, when we realise that the *Mitākṣarā*—"was composed in the far-away Deccan among the Kanarese-speaking people, and has been made the law of Northern India;—and the *Mayūkha* was composed at the instance of a petty chief of Bundelkhand by a Benares Pandit, and it has been made the law of Gujerat."—

[Govinda-dāsa—*Introduction to Bālambhaṭṭi*]

No Hindu lawyer of the old school will admit that the *Mitākṣarā*—and *Mitākṣarā* alone—represents the Authoritative Law for Northern India. Though during the last hundred years, this has been so constantly and forcibly brought home to them in the actual administration of law, that they are now slowly acquiescing in the said dictum, not indeed on the basis of their own conception of the Law,

but upon the accepted practice of the Sovereign Power, whose dispensation they have been taught to revere, even above 'Law'.

Coming now to the special Smṛtis, we find that Manu and Yājñavalkya have been selected for special study ever since Digests began to be compiled. And on this point I cannot do better than quote from several authorities to show the peculiar importance that has always been attached to these two *Smṛtis*.

In regard to *Manu*—

(1) The *Vīramitrodaya* (sixteenth century) declares that a *Smṛti* opposed to Manu has no authority, and quotes Bṛhaspati as saying—'Inasmuch as the *Smṛti* of Manu is compiled on the basis of what is laid down in the Veda, it is regarded as most important, and a *Smṛti* that goes against what is laid down by Manu should never be accepted.' This *Smṛti* of Bṛihaspati makes frequent references to Manu. For instance, the well-known passage from Manu (9-57-68), where *Niyoga* is first regulated and then forbidden, had already occupied Bṛhaspati; as to whether Gambling was permitted, Bṛhaspati brings forward the contradiction that exists between Manu 9-221 and other Law-teachers.

(2) Kumārila—"Barring the *Smṛti* of Manu all others are restricted in their authority."

(3) The *Mahābhārata* selects Manu for special mention as one whose teachings should not be controverted.

(4) The oft-quoted saying from the Veda—"Whatever Manu has said is wholesome," which has been attributed by Kullūka to the "Chhāndogya Brāhmaṇa", but is really found in the *Kṛṣṇa-Yajurveda Saṃhitā*, and in a totally different context.

(5) Prof. Jolly in his monograph on Law and Customs—

" The law-books which to-day in the whole of India are studied and consulted by the learned are the *Smṛti* in verse called the '*Mānava-Dharmaśāstra*' and works attached thereto. How the authority of the work spread through the whole of India is best shown by the numerous commentaries from various quarters, which stretch back to the early middle ages and point back to yet earlier sources. Not less do the Burmese and Javanese law-books rest upon Manu. There is a Pali redaction of Manu, known as '*Manusāra*' written for the Burmese, and Burmese law-books are mostly called '*Manu-dhammasattham.*" In Siam there is found a tradition of Manu as a law-giver. Though doubts have been entertained regarding the Indian origin of Siamese law, yet various customs of marriage, the decision that interest on debt shall never exceed the capital, that the king inherits where lawful heirs fail, and the long list of disallowed witnesses, and many other things, distinctly point to an Indian origin. In Java there is a tradition regarding Manu, and there also is a *Mānava—dharmaśāstra*, which contains parallels to our Manu and Yājñavalkya."

In regard to Yājñavalkya also, we have the following from Dr. Jolly's Tagore Law Lectures,—" Next to the Code of Manu, the Yājñavalkya *Smṛti* appears to have received the largest share of attention on the part of medieval law-writers. The *Mitākṣarā* has early become the standard work on law in the greater part of India, and its influence on the administration of justice has been increased under British rule " (pp. 12-13).

The predilection for these two authors—Manu and Yājñavalkya—is of very old standing. No third *Smṛti* has

had the honor of having so many commentaries. The number of commentators on Manu is large—more than six have already been published—Yājñavalkya also has had several commentators—(1) the *Aparārka* (published in the Ānandāśrama Series), (2) the *Mitākṣarā* (several times printed), (3) *Vīramitrodaya* (Mss. lent to the writer by Mr. Govindadāsa), (4) the *Viśvarūpā* (one part published by Mr. Setlur), and (5) the *Dīpakalikā* by Śūlapāṇi (Ms. lent to the writer by Mr. Govindadāsa). In fact the only other *Smṛtis* known to have a real commentary are those of *Parāśara*, on which we have the *Parāśaramādhava* (Bibliotheca Indica), and of Nārada, Vaśiṣṭha and Viṣṇu.

Another noteworthy feature of the *Smṛtis* of Manu and Yājñavalkya is that they are not mere 'law-books.' They deal in fact with all departments of man's activity; they treat of life as one organic whole; a more or less full account being found of all such subjects as Cosmology, Theology, Philosophy, Anatomy, Physiology, Diplomacy, Kingship, Economics, the Duties of Subjects, and so forth.

In course of the articles that shall follow, it shall be our endeavour to bring out the salient features of the more important law-books, and to find out wherein they differ, and why they differ. It will be interesting and instructive to trace the differences to their sources—which may be social, economic, historical, political or geographical. It has been rightly remarked that—

"The law of every country is the outcome and result of the economic and social conditions of that country, as well as the expression of its intellectual capacity for dealing with these conditions. When new relations between men arise, or when old relations begin to pass into new forms,

law is called in to adjust them" (Bryce: *Studies in History and Jurisprudence*, II, P. 349).

And in a vast country like India, in the development of law and legal institutions geographical conditions have often times had as much influence as social and economic ones. It is doubtful whether or not Indian Law has been influenced by political changes; but that it has been influenced by surrounding countries is more than probable. Of all influences those of religion and speculative thought would appear to have been most potent. It is thus by no means improbable that a thorough comparative study of the law-books may enable us to find some missing links in the history of Indian philosophical thought, and also to obtain some idea of the social and economic causes that have been at work during what appears, in more ways than one, to have been the *most interesting period of Indian history*.

THE VIEW POINT OF NYAYA-VAIS'EṢIKA PHILOSOPHY

By Gopīnātha Kavirāja

I

The origin of Nyāya and Vaiśeṣika schools of philosophy, as of all schools in India, is involved in great obscurity. It is not known when and under what circumstances these schools came to assume their present form, but it may be supposed that before they took a definite shape, with a solidity and distinctive character of their own, the ideas and views represented by them had been for a long time in a floating condition, though in wide vogue. These ideas and theories had not perhaps been the special property of any particular school—and in all likelihood no school had yet existed—but they had been the common patrimony of all thoughtful minds; and it is possible that they were subsequently assimilated and utilised by the various religio-philosophical sects of the pre-Buddhistic and Buddhistic ages. A study of the early Pali and Prakrit literature in general, and of Dr. Schrader's learned tract "uber den stand &c" in particular, would seem to countenance this conjecture. In the Kathā Vatthu, for instance, we find much which we can recognise at once to be in common with the accepted truisms of Sāṅkhya-Yoga, e. g. the germs of सत्कार्यवाद &c., &c.

So it is very probable that if we at all allow ourselves in the present state of our ignorance the liberty of seeking for origins we should expect them in a certain measure, so far as the leading ideas are concerned, in the religious speculations of early India. That Nyāya and Vaiśeṣika were in their inception affiliated to (at any rate coloured by)

Śaiva cult, as Sānkhya to Vaiṣṇavism, seems likely enough.* Haribhadra, author of Ṣaḍdarśana Samuchchaya, distinctly says that Śiva was the object of worship among the Naiyāyikas†; and Rājaśekhara characterises Nyāya system as "Śaiva Darśana" in his own work on the subject. Similarly the Vaiśeṣikas too, being the worshippers of Paśupati, a form of Śiva, were known as Pāśupatas‡. If we remember this fact we shall better understand certain features of these combined systems.

But this religious element was not all. Even in metaphysics, psychology and logic the two systems are closely connected and present a community of form, so much so that it is hard to distinguish for a modern analyst or pundit one from the other. Indeed the two may be said to represent two complementary phases of fundamentally one and the same body of thought. What this attitude exactly was it is not possible to determine within the brief compass of the present paper||. For in order to understand a system properly it is necessary not only to set it in its true perspective but to study it from various points of view and under different relations. Nevertheless, it is desirable to say just a few words

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* cf. Suali, p. 129 ; cf. Lingapurāṇa, Chap. 24; Rājaśekhara's Ṣaḍdarśana Samuchchaya (Vaiśeṣika D., 30; p. 12; Praśastapādabhāṣya, p. 329

† अक्षपादमते शिवः सृष्टिसंहारकृच्छिवः. etc (Bib. Ind. Ed., p 51, Naiyāyikamatam 13). cf. Guṇaratna, p. 51.

‡ See Guṇaratna, p 51. These Pāśupatas are called जटाधारिशैवs or माहेश्वरs in Ratnaprabhā and Ānandagiri (under Ved. Sūtra 2. 2. 37-41), cf. Guṇaratna, pp. 49-50.

|| A detailed exposition and examination of the doctrines of this Philosophy, together with a discussion as to the place of this system in the History of Indian Thought in general, will appear in my forthcoming Monograph on Nyāya Vaiśeṣika Philosophy (Part II).

by way of introduction concerning the aims and methods of this philosophy and the meaning of Philosophy in general in India.

In India philosophy, especially in its earlier and truer form, was intended to serve a practical purpose. Bare speculation is invariably condemned as waste of energy, in as much as it leads nowhere; speculation is deemed blind without the guiding light which Revelation or Higher Perception alone can furnish. Thus the premisses from which Reason has to draw its inferences are naturally beyond its own reach and stand outside of itself. Reason is by nature impotent and cannot in any wise overstep its data. It is not creative nor intuitive; its function is interpretation of facts. Its ultimate resort is therefore nothing short of Direct Experience. But as human experience is limited in its scope and is liable to error the experience on which our reasoning is based must be conceived as infinite and free from all the defects incidental to erring humanity. This infinite experience is embodied in the Revealed Scriptures. Reason, unaided by the light of this revelation, would be a groper in the dark and would never be able to discover the truth which is incapable of analysis and synthesis To the general Indian philosopher, therefore, seeking to build up his individual system of thought on the bed-rock of supra-rational illumination contained in the Vedas or Āgamas, much in the same fashion as to the schoolmen of Mediaeval Europe *, reason is subservient to faith. "Believe and then know"—श्रद्धावान् लभते ज्ञानम्—this seems to be the motto of Indian philosophy.

Thus in the general scheme of a man's inner culture the study of philosophy is given a secondary, though a necessary, place:

* cf. Non quaero intellegere ut credam, sed credo ut intelligam.

आत्मा वाऽरे द्रष्टव्यः—श्रोतव्यो मन्तव्यो निदिध्यासितव्यः ।
श्रोतव्यः श्रुतिवाक्येभ्यो मन्तव्यश्चोपपत्तिभिः ।
मत्वा च सततं ध्येय एते दर्शनहेतवः ॥

This implies that the ultimate source of true knowledge is revelation, but as the facts of revelation cannot be accepted without any questioning in the present state of our life we have to study them with the help of our reason. As soon as it is brought home to us that these facts are quite possible and not irrational, the function of reason as a factor of our culture is fulfilled. For this function is simply to beget a notion of *possibility* (सम्भावनाबुद्धि) in regard to a certain proposition, and not of its certainty. Certitude can never be reached by the intellectual faculties (cf. तर्काप्रतिष्ठानात् &c.). That is, it is the bane of all intellectual processes, however subtle and cautious, that they involve self-contradictions. To be a thinker, without committing oneself to the antinomies of thought, is impossible. It is for this reason that whatever a thesis may be it is not difficult to find a sufficient reason for supporting it. Consequently, the intellectual processes have to be supplemented by processes of personal realisation, viz. concentration and abstraction.

In other words, the general enunciations of the Scriptures which are in the form of categorical propositions are sufficient in themselves, as coming from an infallible source, to carry conviction, but if the mind of the hearer be not free from the disturbing factors of doubt (असम्भावना) and perversion (विपरीतभावना) it will not receive the truth. The process of rational demonstration (मनन), which is implied in all philosophy, aims at removing this element of doubt * and producing a belief that the proposition as laid

* The word for philosophy in India variously appears as न्याय, आन्वीक्षिकी, etc. cf. Nyāyavārtika p. 13. The statement on page 12, viz. संशयादिभेदानुविधायिनी आन्वीक्षिकी implies that philosophy is meant for

down in the Scriptures *is likely enough.* ***But even at this*** stage the seed of uncertainty is not wholly gone; the root of all error (विपरीतभावना) still remaining, illumination of consciousness resulting in the Vision of Truth cannot of course follow. Yoga (निदिध्यासन) or the process of psychic discipline has therefore to be resorted to as capable, by holding in abeyance the phenomena of mental life altogether, of bringing about this transcendental Vision or Intuition (साक्षात्कार) of Truth. *

Philosophy, if rightly understood, is then only a step in the cultivation of a man's life. To be at all fruitful it must work in subordination to, i. e. on the data supplied by, revelation. Else it is apt to run astray †.

This being so, it is easy to understand how different systems of philosophy, apparently conflicting with and subversive of one another, originate. The Highest Truth, which lends itself to the light of supra-mental Intuition, is indeed one and indivisible, but it appears in diverse forms when looked at from diverse points of view corresponding to the capacities and tastes of the individual Sādhakas. So long

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dispelling doubts on the principle that नानुपलब्धे न निर्णीते न्यायः प्रवर्तते। A categorical enunciation of the truths is not its province—it deals with reasons of things.

* cf. Madhusūdana: शब्दात् प्रथमतोऽपरोक्षज्ञानं जायते विचारप्रयोजकम्। तदनन्तरमसम्भावनोदये सति विचारशास्त्रं प्रवर्तते। तच्च वेदान्तानां ब्रह्मण्यद्वितीये समन्वयप्रतिपादनद्वारा परपक्षखण्डनद्वारा चोपयुज्यते। प्रमाणगताऽसंभावना श्रवणनिवर्त्या, प्रमेयगताऽसंभावना तु मनननिवर्त्येत्यन्यत्र विस्तरः। तदनन्तरमपि विपरीतभावना तिष्ठत्येव, सा निदिध्यासनेन निराक्रियते। तदनन्तरं पुनरपि महावाक्यमनुसन्धीयमानमविद्योन्मूलनसमर्थमन्तःकरणवृत्तिभेदरूपं मुक्तिफलकं साक्षात्कारमुत्पादयति (**Advaitaratnarakṣā, Nir. Sag. Ed., pp 44-5).**

†Quoted from his Prasthānabheda, a fragment which forms a part of his commentary on the Mahimnastotra. See Nirnaya Sagar Ed. of the Stotra, p. 22 (no. 7).

as the individualised consciousness asserts itself—so long as we are unable to dispense with "mind" as an organ of knowledge—it is vain to hope for the attainment of the *Absolute Truth.* Relative or partial truth is all that can be reached by human reason. And these relative or fragmentary truths, or aspects of the Absolute Truth, are held to be the immediate ends of the different systems of philosophy. They represent varying stages in the ascending order of the Sādhaka's journey in quest of self-realisation. When pieced together and studied in the light of the resultant whole, they will present a sublime picture of synthesis, fraught with deep significance and interest to humanity. An indirect and veiled picture this; but it is the grandest within reach of our mind

One word remains to be noted. The piecing together or co-ordination of the systems is possible, simply because there is at bottom a real Unity. For all the systems pledge unconditional allegiance to Revelation. It is in their mode of interpreting the scriptures, determined by the capacities of the people for whom they are meant, that the systems vary. Even the Buddhist and Jain philosophies accept in their own ways the necessity of this.

This Unity, of which Revelation is an expression, is transcendental. The Rishis—the Sages and the Illuminatii—split up by an apparent process of self-division this Unity into concepts of symbolical knowledge, arranged them in a certain grade of increasing purity and laid them before the intellectual faculties to play with. If rightly pursued, these will result in a wonderful clarification of the intellect, when the "mind" will cease to work and vanish. On the bare soul Truth will then dawn as a flash of lightning, dispelling all doubts and uncertainties.

This is the secret of what is technically called *ādhikāra-bheda,* which means that not every man is capable of receiv-

ing every form of truth. The faculty of understanding developes gradually, and in the course of this development, truths which once seemed unintelligible and vague begin to assume a depth of meaning and are accepted. It is thus that the folly of one age is turned into wisdom in another. So with countries and individuals. It is believed that the *Karmas*—the forces and tendencies accumulated from the actions of the past ages and building up the 'lower personality' —stand in the way of a man's knowledge of Reality. As soon as these impediments are gone, either worked out through their natural reaction on the mental life or destroyed by Knowledge or Yoga, the obscure truths are at once illuminated. Thus there are degrees in the receptivity of the mind which the Teacher has to recognise if he wants his instructions to be understood and acted upon. This idea finds excellent expression in the following statement of the Bodhichittavivaraṇa:

देशना लोकनाथानां सत्त्वाशयवशानुगाः ।
भिद्यन्ते बहुधा लोके उपायैर्बहुभिः पुनः ॥
गम्भीरोत्तानभेदेन क्वचिच्चोभयलक्षणा ।
भिन्नापि देशनाऽभिन्ना शून्यताद्वयलक्षणा ॥

This is from a work on Mahāyānic philosophy. The same appears also in an even more precise form, in the words of Madhusūdana Sarasvatī who is rightly reckoned as one of the greatest philosophers of India in the last millenium. Referring to the apparently conflicting views of the different āchāryas he observes:

न हि ते मुनयो भ्रान्ताः सर्वज्ञत्वात् तेषाम् । किन्तु बहिर्विषय-प्रवणानामापाततः परमपुरुषार्थे प्रवेशो न भवतीति नास्तिक्य-निवारणाय तैः प्रकारभेदाः प्रदर्शिताः ।

From what has been said it is apparent that there is a real order in the systems of Indian Philosophy which a close

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study is able to discover. The synthetic consciousness to which such an order reveals itself has ever been recognised in India. In the Sankṣepa Śārīraka (II. 60-64), in the Ātmatattvaviveka (Jayanārāyaṇa's Ed., pp. 96-97), in the Prasthānabheda (pp. 11-23 of Mahimnastotra, N. Sagar) an attempt has already been made in this direction. The Pratyabhijñā hṛdaya (p. 16, sūtra 8) explicitly states that the different views of Reality, which the different philosophies present, are but fragments of the One Supreme Vision. Vijñāna Bhikṣu and Nīlakaṇṭha, in several places emphasise, each from his own point of view, on the mutual and supplementary relations existing among the various schools of thought. It is immaterial in this context however to discuss how far the different schemes of synthesis are agreeable among themselves. This is merely to point out that there is a real spirit of unity, of Aim as much as of methods, among the diversities of thought and activity according to Indian philosophers.

II

The Nyāya-Vaiśeṣika philosophy is generally conceived by the synthetic critics to stand on the lowest rung of this ladder, so far as the present orthodox systems are concerned. Before proceeding to discuss, as we propose to do in a subsequent paper, in what points the two systems differ from each other it may be well, for purposes of elucidation, to take note of the close affinity existing between them. A brief outline of this combined philosophy, and a statement of the *rationale* of its metaphysics, may therefore be of some use for a proper understanding of the systems as *a whole* and determining their point of view.

In the first place, and at the root of all, we may note the belief that there is a close correspondence between the order of our ideas and the order of extra-mental reality to

which it testifies. The two orders stand to each other in a certain relation of causal sequence—whatever is present to consciousness has therefore an objective ground of reality. It is independent of consciousness in so far as its existence is prior to the existence of, and is a condition of the possibility of, the phenomena of our mental life. It may be an object of immediate perception where such a perception is possible, or else its notion may be arrived at by an indirect process of abstract reasoning or by some other valid sources of knowledge. Idea (प्रतीति) being a symbol of, and verbal usage (व्यवहार) being based on, reality, is assumed to be an index of its existence. cf. "संविदेव हि भगवती वस्तूपगमे नः शरणम्" as quoted in Upaskāra under Vaiś. Sūt.7.2. 26.

When we look upon the phenomena of change the question naturally presents itself—whence these changes and how do they come about ? The problem is difficult and admits of a variety of solutions according as we approach it from various standpoints, but to the Naiyāyika, starting from the data of his common consciousness, the question of origin and destruction is involved in deep obscurity. It is believed that the observed contingency of phenomena implies that a product comes into existence which had not existed before and that when destroyed it is reduced to nothing. Before origination and after destruction the product has no entity whatsoever. But the matter is relatively permanent, being the unalterable substance in which the product arises, in which it resides during its term of existence and in which it it destroyed. *Relatively speaking* the cause is नित्य and the effect is अनित्य ।

So the individual product is a mystery in creation—nay, production itself is an inexplicable enigma. The Universal (सामान्य) is already there, so is the Matter; but what determines

the emergence of a *particular* form in this matter which stands on one hand for the manifestation of the appropriate Universal and on the other for the origin of the individual in which the Universal is apprehended? The असत्कार्य theory is supposed to be a reaction on the part of the Naiyāyika against the doctrines of Universal Flux and of Universal Void of the Buddhists. But the Naiyāyika in his turn has not succeeded in avoiding the perils of abrupt recoil.

For clearing up the position I now take up the question of Causality* as it has been discussed in these schools. It is assumed, in opposition to the theories of some of the Buddhist scholars, as a fact of common experience, that nothing comes out of nothing and that pure negation is unproductive. The production of an effect implies a change of condition or movement which presupposes the presence of two factors, one passive which receives and the other active which imparts the transitive movement.

The passive element is the material or constitutive cause of the product and is relatively permanent. It is invariably a substance, positive in character. The active factor known as the operative, efficient or instrumental cause acts upon the product either directly or by virtue of its presence. It is in the latter sense only that the Causality of Divine Will, Time, Space, etc. has to be conceived. In both cases the efficient cause is an extrinsic (बाह्य) factor in the production and bears no intimate relation to the effect concerned. This formal duality in the causal principle is of course everywhere recognised, but the Naiyāyika insists, under the exigencies of his fundamental position, that this analysis is not complete. Besides the two classes mentioned

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*The principle of Causality is a self-evident principle. Denial of this would lead to the absurdities of what in technical language would be called 'स्वभाववाद' and 'यदृच्छावाद.' ।

there is a distinct kind of Cause called असमवायि which is neither material nor even wholly extrinsic. Thus, for instance, when two parts are brought together resulting in the production of a whole the conjunction of the parts is as much a cause of the product as the parts themselves. Similarly in making a blue texture the blue colour of the material is a causal antecedent to the blue colour of the product. It is maintained that every positive product comes into existence under the influence of this threefold cause. Negation as a product i.e. destruction, requires only a *nimitta* and nothing more.

Being an ardent advocate of the doctrine of असत्कार्यवाद which is necessitated by his assumption of commonsense view of reality, the Naiyāyika finds it indispensable to maintain an absolute distinction (अत्यन्तभेद) between the material cause and the effect which is produced from it. The relation which holds between the two is neither अभेद nor even तादात्म्य, but an Intimate Union (Inherence, समवाय) of one with the other. It is a mysterious relation.

But what is the driving factor which compels the Naiyāyika to assume the doctrine of असत्कार्य ? Does it not do violence to our belief in Persistence and Continuity? Why is it found necessary to posit प्रागभाव as a precondition (a general nimitta) in all production? To this the Naiyāyika replies that to confine ourselves to the records of our *usual* experience we are bound to assume by the very laws of our thought the necessity of प्रागभाव as such a condition of production. But this does not amount to a denial of a Principle of Persistence altogether, for the doctrine of Conservation of Matter is an essential feature of its philosophy. The Naiyāyika as much as the Sānkhya, admits that Primary Matter is eternal. The four kinds of atomic substances, viz. earth &c and ākāśa per-

sist through eternity (like time, space, manas and self). Being without any parts or component members they have neither a beginning nor an end. It is only the compounds of the first four substances (कार्यभूत) (as well as some qualities and all actions which are produced and destroyed: भूतोच्छेदानुपपत्तेः (Ny. Bhā. 4.1.29). It is pointed out that though forms(संस्थान) may change, matter as such remains constant; being eternal it is capable neither of increase nor of diminution. Form, which is nothing but a collocation of parts (अवयवसन्निवेश), is conceived as a quality inhering in matter. The appearance and disappearance of forms is bound up with, being logically considered as antecedents of, the origin and destruction of individuals, for origin and dissolution, so far as the substances are concerned, are synonymous with aggregation and separation of parts.

Thus in this view though the individual is perishable (ध्वंसप्रतियोगी,) the Universal is eternal. What the individual is in Sānkhya, the Universal is from this standpoint in Nyāya Vaiśeṣika.

This Universal is revealed by a definite arrangement of the parts of the body, for though it is by nature eternal and free from spatial limitations, such is the nature of things (स्वभाव) that it inheres and manifests itself in those individuals only whose component parts are fixed in a particular spatial order. Though present everywhere it is not so perceived. It enters as a predicate in our judgment. No further question is here admissible: we are dealing with an ultimate fact incapable of further analysis*. In this system (as much as in Sānkhya) it is therefore naturally assumed that before the commence-

*The etymological structure of the word व्यक्ति (manifestation shows that the individual is conceived as a *manifestation* only, implying that the Universal (जाति) as such is unmanifested.

ment of the Causal operation there is something already given, viz. the Universal (or the Individual).*

So then we find that before the appearance of a particular Cosmic Order we have to presuppose the existence of Primary Matter, which in this school is understood as partly atomic, e.g. the first 4 elements and partly ubiquitous eg. ākāśa, of the Principles of Time and Space, and of the Universals. These atoms, which till now have been in a loose and free state (प्रविभक्ताः) † are set in motion by a certain influence and begin to group themselves into different forms.

But what is this influence which imparts the initial

* The Sānkhya-Yoga is an advocate of सत्कार्यवाद् and denies the necessity of assuming a real independent Universal. The individual is considered to consist of a twofold aspect (cf. the view of the Indifferentists e.g. Adelard of Bath) viz. the generic and the specific (सामान्यविशेषात्मक) and has an eternal existence *per se*. What is popularly called production is only manifestation (आविर्भाव) i.e., descent as it were from the Eternal Plane into the realm of Time. And as all manifestation is relative, it means that in an absolute sense, i.e., from the stand point of God or युक्तयोगी there is nothing like production or creation. In Eternity-on the Divine Plane—there can be no 'motion' and consequently no flux. Causality, implying succession, is a Category in Time. The Nyāya-Vaiśeṣika, on the other hand, being a representative of असत्कार्यवाद् is constrained to admit the *non-existence* of the individual before its production and after its destruction. But along with this he is bound to ascribe eternal existence to the Universal. Otherwise his position would be like that of the Buddhist Realist who rejects the reality of both the Concrete Individual (cf संघातवाद्) as well as of the Abstract Universal (cf अपोहवाद्).

† This shows that there is no form in matter during the period of dissolution. In the Sānkhya also Matter is described in its primary state as undifferentiated and formless (अव्याकृता प्रकृतिः). According to both it is indeterminate and supersensuous (अतीन्द्रिय).

motion to the atomic matter without and to the atomic *manas* within? The problem is extremely complicated. The atoms and the manas being inert by nature have to be moved from without. The Self in itself can not be a source of motion, for it is a continuum. The only active principle, if there could at all be anything deserving of this name in this system, is adṛṣṭa which resides as a specific quality in the Self. It is maintained that when the Self, charged with this adṛṣṭa, comes in contact with the atoms the latter are impelled to action. The occasion for such contact is determined by the maturity of adṛṣṭa which is effected by the passage of Time. But adṛṣṭa in itself, as being a link in the chain of causation, can not be a final and adequate explanation of the origin of motion. The ascription of causality in this case to the human will (मानुषीय प्रयत्न) is out of the point. The human will, in so far as it is a product, is occasional, i.e., an event in time and is itself determined by adṛṣṭa. As a result of this analysis, therefore, our system finds compelled to reject both the hypotheses as ultimate solution. We have, it is urged, in the last resort to fall back on the Divine Will (ईश्वरीय प्रयत्न), which being eternal is not determined by anything external to it and requires no further explanation. This is what in the scholastic language we may designate as the doctrine of the Divine Concursus.

The origin of Motion is therefore to be explained by the operation of the Divine Will in the first place and by that of the human will (मानुषीय प्रयत्न) and of mechanical necessity implied in previous karma in the second. All the principles work concurrently though prominence is given in all theistic philosophy to the Will of God without which nothing can be actuated. The process of the formation of organic and inorganic bodies is a question to which we can not

advert here,* but it may just be noted that the same karma which brings about a contact between the self and the *manas* is also instrumental in bringing together the atoms so as to form different collocations capable of exhibiting a variety of specific characters. In other words the *manas* and the material particles are stirred into activity by one and the same force conceived as a quality present in the self. The external world, including the organism, is held to be a field for the experiences of pleasure and pain resulting by way of natural reaction from the Karma-forces of the past, and has only a moral value. Apart from karma, i.e. from the standpoint of the liberated self, wrapped in the glory of Its Isolation, the existence of the world and of its life is without any significance. Hence, the same moral End (viz. भोग) which occasions the rise of subjective phenomena acts also as a *motive for the origin of* the objective order.

A word or two may be useful in connection with this vexed question of adṛṣṭa or karma. Uniformity of Nature and the Principle of Causality are invariably assumed.† That is, whatever comes into being is supposed to do so from an adequate Cause. Granting this it remains to take note of the facts of pleasure and pain and justify their existence. Evidently they must be traced to distinctive causes which cannot be extrinsic or भूतनिष्ठ as the materialists (लौकायतिकाः) would contend. The *same* external object is the source of pleasure to one and of pain to another, causes pleasure to a man at one time and pain to the same man at another time. These differences of ex-

* Cf Dr. Seal's "The Positive Sciences of the Ancient Hindus."

† There is no room for Chance (आकस्मिकत्ववाद) in philosophy. The different doctrines of Chance, viz. Niyativāda, Kālavāda, Yadṛchchhāvāda and Svabhāvavāda have been rejected.

periences have therefore to be explained on intrinsic grounds. That is to say, once assuming that pleasure and pain, which are facts of mental life and belong to the Self, are occasioned by Causes also belonging to and existing in the same Self, the question becomes simplified. The conclusion becomes then irresistible that these causes are of the nature of tendencies or subconscious forces resulting from conscious efforts in the past and lying dormant in the Self. They lie dormant-unseen-for a definite period of time proportionate to the intensity of the strain originally put forth. They are then released, so to say, and give rise to pleasure and pain, indeed to the whole panorama of phenomenal existence. For the world itself, as already mentioned, is justifiable only on moral grounds as the field wherein the Self has to work out its destinies. It can have no other meaning.

The materialists, who rejected the efficiency of Karma, explained that a living organism (शरीर), just like an inorganic substance (मूर्त्ति), is produced from matter under purely mechanical influences. The assumption of Karma is declared unnecessary. But the Naiyāyika remarks that while the mechanical causes are indeed admissible they do not go very far; they are subject to the operation of a governing principle of Justice or Moral Retribution in the world. The mechanical theory is open to several objections: (1) The analogy of inorganic substances is ill-founded, for there is no evidence testifying to the fortuitous character of their origin. (2) On the contrary, the origin of organic bodies is known from experience to follow generally (e. g. in the case of sexually-generated bodies) from the fusion of two principles, male and female (viz. रेतः and लोहित) but this involves previous Karma—both of the person to be born and of the parents—capable of bringing about the fusion. And even where such a fusion is not a necessary pre-condition, as in the case of the अयोनिज (a-sexually-generated)

bodies of (i) devas, ṛṣis, on one hand and (ii) of the Infusoria, &c., on the other, the action of Karma is held to be indispensable. To explain: The immediate material which enters into the constitution of all organisms (whether अयोनिज or योनिज) is the atomic substances, but the efficient cause, viz. the unseen agency of differentiation or the factor which determines their varieties (i. e. the different forms of organic structure, is Karma. The former is passive, but it yields to the impulse communicated to it by the latter, the active principle, and takes on a corresponding form, Unless the agency of such an unseen principle be admitted it seems hard to explain how the same primordial cells which are uniform in character and do not exhibit the slightest indications of difference either in physical or psychical activities should gradually evolve themselves into different organisms altogether.

Karma is conceived as bringing about a twofold union —(a) the aggregation of the atoms resulting in the production of the body, and (b) the union of the particular Self, in which it inheres as a quality, with this body. These two actions are indeed not two different actions, but rather two complementary phases of the same action and are simultaneous. For the body being considered to be the vehicle of भोग, and भोग explained as the experience of pleasure and pain (सुखदु:खसंवित्ति), it is apparent that its relation to the Self is already implied. To clear up: the same Karma which resides in a particular Self creates for it by a process of atomic combination (अणुसंघात) its vehicle of experiences. If this be not conceded a great difficulty would follow. That is to say, if it is supposed that the efficient cause of body (i. e. Karma) does not pertain to the Selves severally i.e. is not प्रत्यात्मनियत, the problem arises—why should one individual Self experience his pleasures and pains through one

body, and through that alone, rather than through any other? Since all the Selves are by nature omnipresent and related to all bodies alike what determines the sense of possession (स्वस्वामिभाव, भोक्तृभोग्यभाव, ममत्व) in regard to a particular Self and a particular body as expressed in the judgment—'this body is mine?' It is a universally admitted fact that such a restriction (नियम) of personal experience really exists—one cannot enjoy or suffer in another's body.* Hence there must be a ground of this restriction. This is Karma.

From what has been said above it follows that Karma is the force which helps to build up a particular body and unite it (and the manas) to the Self to which it attaches, so that it lies at the root of the entire phenomena of mundane existence. The assumption of bodies and senses, not once but through a beginningless series of births, is the only means by which the experience of pleasure and pain is possible, for a disembodied soul is free from pleasure and pain—in fact from every form of mental life, e. g. cognition, desire, volition, &c. Now for one who wants to be rid of pain and consequently of mental life, including what is popularly esteemed as pleasure—and pleasure not preceded, succeeded and accompanied by pain is not possible †—the one thing needful is to destroy the accumulated force of Karma, this destruction alone being capable of leading to a discarnate state.

But what is it that can destroy Karma ? To this question

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* This excludes the case of the Yogins who are able to experience the pleasure and pain of any body whatsoever as if they were their own. But then this experience would not be called bhoga at all and is not the result of his prior Karma-Hence bhoga = स्वसुखदुःखसाक्षात्कारः । Cf. Nyāyavārtikatātparyaṭīkā, p. 357: अस्ति हि परकीयसुखदुःखसाक्षात्कारो योगिनां, न हि चैते भोगिनः ।

† Cf Nyāyamañjarī, p. 511, दुःखसंस्पर्शशाश्वतिकसुखसंभोगासंभवाद्दुःखस्य चावश्यहातव्यत्वाद् विवेकहानस्य चाशक्यत्वाद् विषमधुनी इवैकत्र पात्रपतिते उभे अपि सुखदुःखे त्यज्येतामिति ।

one has to answer by asking a cross question, viz What is it that produces Karma or rather makes its origin a possibility ? All the systems of Indian Philosophy agree *in the main* in replying to both these questions. They hold, irrespective of the individual standpoint from which each of them looks at Reality, that Ignorance leads to Karma or makes it productive, while Knowledge serves to destroy it or to sterilise its forces. Let us confine ourselves to the special views of Nyāya-Vaiśeṣika. Ignorance is said to consist in thinking that the Self is कर्त्ता and भोक्ता and that it is identical with the body and senses or at least is their owner. True knowledge enables the Self to realise that in itself, as dissociated from the action of the specific qualities which inhere in it under the influence of adṛṣṭa during its term of embodied life, it is absolutely pure and indifferent (स्वरूपतश्चाहमुदासीनः). It reveals the truth that all real agency or efficiency belongs to the Lord and that man is, and considers himself to be, an efficient cause in so far as he identifies himself, though falsely and unknowingly, with the Lord. This false sense of efficiency (कर्तृत्वबोध) on the part of man, which is necessitated for the working out of his past Kārma,* disappears with the disruption of Karma by the fire of Knowledge, so that in reality (परमार्थतः) the human soul is not a free agent (कर्त्ता) nor even a patient (भोक्ता), but is neutral (उदासीन). The notion that the soul is active or passive springs only from ignorance or misapprehension of its real character †

* Udayana approaches the problem from a slightly different point of view: न चाकुर्वतः कुलालादेः कायसंयोगादेवाध्यो भोगः सिध्येदिति तदयमस्य कर्तृत्वमीश्वरोऽनुमन्यते, तदर्थमात्मत्वादैश्वर्यस्येति. (Nyāya Kusumāñjali, Ben. Ed., Ch v, p. 47).

† Cf Nyāyakandalī, p, 281: यः कर्ता भोक्ताऽस्तीत्यात्मानमभिमन्यते परमार्थतो दुःखसाधनं च बाह्याध्यात्मिकान्विषय सुखसाधनमित्यभिमन्यते सोऽविद्वान्।

NIRMĀṆAKĀYA

By Gopinath Kaviraj

I

The word Nirmāṇakāya occurs in the text of the Kusumñājali, p. 3 (Ben. Ed.). The meaning of the term being obscure different commentators have proposed different interpretations upon it. But it seems that the true import remains still to be determined.

Haridāsa's exposition of the term as **निर्माणार्थं कायः** is hardly more than a mere conjecture. Varadarāja and Guṇānanda's explanations* too are not quite clear and fail to bring out the precise and original significance of the word.

Apparently the *word* does not belong to the stock of the Nyāya-Vaiśeṣika literature, and the passage in the Kusumāñjali referred to above does not represent the views of the Naiyāyikas at all But it must be plainly understood that the conception was a common property of all the ancient philosophical systems of India. In the Yogadarśana, for instance, the word is interpreted as a body or a series of bodies assumed at will by a yogin who has risen above the so called laws of nature and learnt to command its secret forces. In the Mahāyānic Buddhism also the word bears practically a similar sense. As for the reason why and the manner how God, the Yogin or the Buddha takes on such a body different answers may of course be given from different points of view, but they are ultimately resolved into the same position.

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*(a) जगन्निर्माणाय स्वेच्छामात्रनिर्मितानि संसारचेतनवर्गनिर्मितानि वा शरीराणि ।
(Varadarāja)

(b) निर्माणकायं वेदाभिव्यञ्जनघटादिकरणशिक्षणार्थं च कायव्यूहम् ।
(Guṇānanda)

Thus (*a*) in an aphorism attributed to Pañchaśikha* we find it stated, in connection with the revelation of Sāṅkhya Yoga, that Kapila, the First Enlightened One (आदिविद्वान्), created a Mind, hence called Nirmāṇa Chitta, and through its medium declared the saving knowledge to the enquiring Asuri. The motive in this case is explicitly mentioned to be his deep compassion (कारुण्य) on the pains of mundane existence. It is believed that whenever the human soul feels itself sorely in need, a response comes from the higher worlds To teach Wisdom and the Way to Liberation to erring humanity, the Siddhas may, if they so choose, take on a material form, before plunging into the Eternal Quiescence of Kaivalya.

(*b*) So in Mahāyāna Buddhism also the object of Buddha's assuming a Nirmāṇakāya is said to be the service of entire creation (सत्त्वार्थ). Vasubandhu in his Commentary on Asaṅga's Mahāyāna Sūtrālaṅkāra (verse 63) plainly characterises such a body as contributive to परार्थसम्पत्ति in contradistinction from the Sambhoga Kāya which is purely, though in its highest sense, of a personal character (स्वार्थसम्पत्तिलक्षण). This distinction reminds one of the contrast sometimes drawn in the later literature between the लीलादेह and the मायादेह of the Supreme Divinity. The one is, in terms of Vaiṣṇava philosophy, अप्राकृत -supra-natural, while the other is a natural—a material (whether subtle or gross)- incarnation (अवतार) assumed in response to the needs of the human soul.

(*c*) Similarly in the Nyāya system, though the *word* Nirmāṇa Kāya is doubtless absent, the fact of God's investing Himself with a material form from time to time is

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*The aphorism appears as a quotation in Vyāsa's Commentary on Yoga Sūtras, thus:-आदिविद्वान् निर्माणचित्तमधिष्ठाय कारुण्याद् भगवान् परमर्षिरासुरये जिज्ञासमानाय तन्त्रं प्रोवाच। Both Vāchaspati and Vijñānabhikṣu attribute it to Pañchaśikha.

admitted throughout without a question. In the second chapter of the Kusumāñjali Udayana says that in the beginning of a particular cycle God assumes a material body to serve as Teacher for the guidance of the newly-created world*, much in the same manner as a magician induces and presides over, by the mere effort of his will, the movements of the puppets. This power of God is called Māyā and Vibhūti. In the 5th Chapter of the same book he adds that not in the beginning of creation only but whenever the assumption of such a form is necessary He assumes it and displays His powers: गृह्णाति हि ईश्वरोऽपि कार्यवशात् शरीरमन्तरान्तरा, दर्शयति च विभूतिमिति । cf. Gaṅgeśa's Īśvarānumānam, pp 84-5(Bib Ed.). Now it is useless to enquire whether He builds a *new* body and then enters into it or enters into a body already in existence (i. e. a natural body, or as Vāchaspati Miśra calls it स्वभावनिर्मित शरीर) in the manner known as भूतावेशन्याय, for both amount to the same thing†, since even in the latter case (आवेश) the Person already in possession of the body has to be stripped (permanently or provisionally) of his personality (i. e. must be rendered passive), before his body can be employed as an instrument for any definite purpose.

(d) So in Śaṅkara's system. He plainly says: स्यात् परमेश्वरस्यापीच्छावशान्मायामयं रूपं साधकानुग्रहार्थम् (under

* समयोऽप्येकेनैव मायाविनेव व्युत्पाद्यव्युत्पादकभावावस्थितनानाकार्याधिष्ठानाद् व्यवहारत सुकर एव (Kusumāñj li, Ben. Ed., Ch. II, p. 53) Here the bodies of the Teacher and the Pupil are both Divine, being created for purposes of guidance of humanity.

† Sometimes an objection is raised. The Jīva, in so far as he is a Jīva, albeit endowed with Yogic powers, is spatially limited (प्रादेशिक) and incapable of simultaneously entering into and presiding over the natural (स्वभावनिर्मितानि॰) bodies which occupy different positions in space (Bhāmatī under Sūtra 4. 4. 15)

I. I. 20. Like the Supreme God the liberated (but not yet unified) souls too have a similar power.

From the above one fact stands out clear, viz. that what is usually called *Nirmāṇakāya* is generally resorted to by the Exalted Ones for the sake of teaching mankind. It is primarily the Body of the Supreme Teacher. This will make intelligible the Buddhist belief according to which Gautama is represented as the nirmāṇakāya of the transcendental Buddha in the Tuṣita heaven—a point which is quite in consonance with his character as the guru of humanity*. The Buddha is known elsewhere to have created such a body (a "double" as it were, or "a likeness of himself" as Kern puts it, *Manual of Indian Buddhism* p 33) during his stay at Śrāvastī and through this body expounded the Abhidharma to his mother Māyā who was in heaven.

But that *Nirmāṇakāya* may be taken on other occasions also need not be gainsaid. Thus—

(a) The Yogins are known to create simultaneously a number of such bodies of various kinds and work out through them the remnants of their past karma after the attainment of Self-knowledge. This simultaneous group of bodies dominated by one Central Will called प्रयोजकचित्त is technically known as Kāya Vyūha.

Vātsyāyana refers to this fact in the following interesting passage:

योगी खलु ऋद्धौ प्रादुर्भूतायां विकरणधर्मा निर्माय सेन्द्रियाणि शरीरान्तराणि तेषु तेषु युगपज् ज्ञेयानुपलभते ।

(Com. on Ny. Sut. 3. 2. 20, p. 115, Jīva Ed). So does

* This is the Vetulyaka theory. Cf. Kathavatthu, XViii, 1. 2.

Udayana in the Nyāyavārtikatātparyapariśuddhi, p. 83, Bibliotheca Indica Edition).*

(b) The miraculous story of Saubhari may be cited as another well-known instance of Kāyavyūha. The legend runs that the *ṛṣi* Saubhari built simultaneously (अपर्यायेण) 50 similar bodies for himself, and with each enjoyed the company of each of the 50 daughters of king Māndhatā. (cf. Bhāmatī under Ved. Sut. 4. 4. 11 ; Gauḍa Brahmānandī, pp. 569-570).

(c) In the Commentary on Ved. Sut. 1. 3. 27 Śaṅkara urges that the devas too, like the Yogins, have the similar power of simultaneous self-multiplication, so that the same devatā may appear, with what is apparently the same body, in different places (i. e. sacrifices) at *one* and the same time :

एकस्यापि देवतात्मनः युगपदनेकस्वरूपप्रतिपत्तिः सम्भवति । + + + स्मृतिरपि + + + प्राप्ताणिमाद्यैश्वर्याणां योगिनामपि युगपदनेकशरीरयोगं दर्शयति । किमु वक्तव्यमाजानसिद्धानां देवानाम् । अनेकरूपप्रतिपत्तिसम्भवाच्च एकैका देवता बहुभी रूपैरात्मानं प्रविभज्य बहुषु यागेषु युगपदङ्गभावं गच्छतीति ।

(d) In the Bhāgavata 10.33.20, when describing the Rāsalīlā it is said that Kṛṣṇa multiplied himself into as many Forms as there were Gopīs :

कृत्वा तावन्तमात्मानं यावती र्गोपयोषितः ।
रेमे स भगवांस्ताभिरात्मारामोऽपि लीलया ॥

(cf Bhāgavata, 10. 69. 2) The Bengal Vaiṣṇavas call this manifestation by the name of Prakāśa (See *Laghu Bhāgavatāmṛta* 1.21).

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* तयाप्यागमप्रामाण्यात् काययोगपद्यस्यापि प्रसंख्यानफलतया सिद्धत्वादनन्तानामनियतविपाकसमयतां चाभ्युपगम्यैव परिहृतम् । विभूतिमताऽनेककायोपभोग्यमप्येकदा भुज्यत इत्यत्र समुद्रपानमुदाहरणम् । योगर्द्धिप्रभावसम्पन्नो विविधफलभागिनो विचित्रस्वभावान् एकदैव बहून् कायान् इच्छामात्रेणैव निर्मिमीत इत्यत्र दण्डकारण्यसृष्टिरुदाहरणमिति ।

II

As to how this may be possible Vāchaspati Miśra offers a few words of explanation. He says that the body of the devas is not born of parental union, but that it is produced directly from the elements which are acted on and set into collocation by the power of Will. "The vision of the devas, who are described as आजानसिद्ध, is not obscured by the distance of time or space or by other limitations. Their knowledge is always of the nature of direct presentation extending equally to all time and to all space. And this उपादानगोचरापरोक्षज्ञान being present, there is nothing to prevent such bodies being formed by a natural process. The devas being भूतजयिन्s fit material is always responsive to their Will (Bhāmati, Nir. Ed., p. 249).

What is said of the devas in the above could be said with equal propriety of the powerful Yogins. But in the Yoga system itself the process of this body-formation is somewhat differently explained*. It is there pointed out (Yo. Sut. IV.) how the Yogin projects on one hand a desired number of

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*In elucidation of this point I extract the following from the excellent Commentary on the Pañchaśikha Sūtras by Svāmī Hariharānanda Āraṇya of Kapilāśrama : "When a great Yogī, by subduing all passions and attachments and being perfectly disillusioned, destroys all Saṁskāras or mental accretions (the dureé of Bergson), then by a conscious effort of the will he can stop all psychosis, nay obliterate the empiric ego or phenomenal existence, for all times to come. if he desires it This state is Kaivalya Nirvāṇa. After realising Nirvâṇa but but before having gone permanently to that state, it there be any reason (the only reason in this case is his desire to do good to others) for continuing phenomenal existence, then the yogī may do so by relaxing the nirodha samādhi or the mentation-stopping effort, and creating anew the necessary faculties of thinking. The potential energy of the mind having been dissipated or the dureé destroyed, these faculties (Nirmāṇachittam) are to be consi-

personalities and on the other a Supreme Personality (प्रयोजक-चित्त) to direct them to his will—all from the stuff of pure Egoity (अस्मिता). Cf also Śaṅkarāchārya :

एकमनोऽनुवर्त्तीनि समनस्कान्येवापराणि शरीराणि सत्य-सङ्कल्पत्वात् स्रक्ष्यति। सृष्टेषु च तेषूपाधिभेदादात्मनोऽपि भेदे-नाधिष्ठातृत्वं योक्ष्यते। एषैव च योगशास्त्रेषु योगिनामनेकशरीर-योगप्रक्रिया।

(Under Ved. Sut. 4.4.15)

The bodies which he brings into existence are subject immediately to these personalities and ultimately to the Supreme Person, which is but another name for his Created (and Creative) Will*. The projection, maintenance and withdrawal of these multiple personalities and bodies are entirely a matter of his choice, so that they cannot in any way affect the absoluteness of his freedom.

In the orthodox systems as a rule the Nirmānakāya is said to be produced from some pre existing matter, viz. atoms or Prakṛti. The miraculous or supernormal element, if there could be such a thing, lies only in the efficient factor —the incalculable potency of the Yogic Will. I say 'as a rule', because there are systems where according to their special viewpoint, this restriction is not deemed necessary. In the Vedānta for example which teaches the identity of nimitta and upādāna the need for such pre-existing matter is not

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dered as new formations. The term Nirmāṇa Chittam or Created Mind is a well known Yogic term. This term is also found in the Pali scriptures, and the Buddhists also explain in this way the continued post-nirvānic activities of the Buddha or Arhat after he has attained nirvāṇa" (pp. 6-7).

Cf also his notes on the Yogabhāṣya under Sūtras 4.4—5 (p. 223).

* For some interesting notes on this subject see Vijñāna Bhikṣu, Yoga Vārtika, pp. 262-263 (Ben. Edition).

recognised. The existence of Māyā as an independent entity being denied the stuff of the nirmāṇakāya, viz. Māyā, would indeed be the very Self at whose will the body as such manifests itself. From the phenomenal standpoint the substratum of the body is indeed Māyā but in reality it is nothing but the Spirit, pure and undefiled. The difference between **परिणाम्युपादान** and **विवर्तोपादान** is only empirical. The Pratyabhijñā system of Kashmirian Śaiva Philosophy is more precise and explicit on the point. Abhinava Gupta definitely says that Divine or Yogic creation does not stand in need of any pre-existing material. It comes forth as the spontaneous expression of the Free Will of the Self *.

And the Mādhyamika Buddhist also rejects the necessity of assuming pre existing matter. Consistently with his doctrine of Universal Void he holds that such a body, as everything else in creation, is a product from the Void and is therefore identical with it, being devoid of all reality. It is a mere apparition without an underlying substance. It differs from the normal bodies, exactly as the orthodox systems hold, in so far as it comes into and disappears from being through the conscious effort of the nirmāṇachitta (which itself is a creation from the Void) and is entirely free from the compelling influence of adṛṣṭa or karma. Cf Bodhisattvabhūmi, I. V —
निर्वस्तुकं निर्माणं निर्माणचित्तेन यथाकाममभिसंस्कृतम् ।

Thus the Nirmāṇakāya, though real to the empiric consciousness, is yet nothing more in its usual acceptation than a

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* योगिसंविद एव सा तादृशी शक्तिः यदाभासवैचित्र्यरूपमर्थजातं प्रकाशयतीति । तदस्ति संभवः—यत् संविदेव अभ्युपगतस्वातन्त्र्या अप्रतीघातलक्षणा दिदृक्षाविशेषवशात् संविदोऽनधिकारान्तताया अनपायादन्तःस्थितमेव सद्भावजातमिदमित्येवं प्रमातृबुद्धिदेहादेः वितीर्णकिञ्चिन्मात्रसंविद्रूपाद् बाह्यत्वेनाभासयतीति । (Abhinava Gupta's **Īśvarapratyabhijñāvimarśinī**, 1.5.9. pp. 184-5).

This is a general statement of all creation proceeding from the Free Will of the Enlightened One and is applicable to *nirmāṇakāya* as well.

mere phantom, an illusory appearance, from the Divine or Buddha's (or Yogin's) point of view. It manifests itself before the phenomenal world for a limited time to serve some definite end and having finished its self-imposed task vanishes into the Fulness (or Void) of the Transcendental Realms. The doctrine of Avatāra, in its different forms, is in a sense an aspect of this wider view about the Nirmāṇakāya. In the Nārāyaṇīya section of the Mahābhārata we find that the Body which Nārada beheld of the Lord Nārāyaṇa in Śvetadvīpa was only a "phantom-body", and not His Essence, and as such could be pronounced to be a case of Nirmāṇakāya : पतत्त्वया न विज्ञेयं रूपवानिति दृश्यसे । माया ह्येषा मया सृष्टा यन्मां पश्यसि नारद (माया = निर्माण) ॥ *
So in the Gītā it is said that the birth, body and movements of the Lord are super-natural (दिव्य)—a statement which may lend itself to a double interpretation : viz. either that these are created and phantasmal (निर्माण), and appear as real only through the Lord's Māyā or that these are eternal and real, as the mediaeval Vaiṣṇavas so strongly insisted.

The whole question is indeed of great interest, though highly complicated ; and especially so when it is studied in its relation to the allied scheme of Rūpas including Vilāsas and Svāṁsas, Prakāśas, Āveśas and Avatāras of the Vaiṣṇava philosophers and to the doctrine of Emanations (व्यूह) in general †.

At any rate the doctrine of Nirmāṇakāya, as in the early Indian systems (e. g. Buddhism, Sāṅkhya-Yoga, &c.), was in a certain sense docetic in colouring. But it must be remember-

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* See Laghu Bhagavatāmṛta ; Jīva Goswāmī, Ṣaṭsandarbha ; Chaitanya Charitāmṛta ; B. N. Seal, Vaishnavism and Christianity, pp. 64-66.

† Nārāyāṇa Tīrtha in his Bhakti Chandrikā takes it to be a case of Avatāra rather than Vyūha.

ed at the same time that the opposite view too was not wanting even at the outset.

III

The doctrine, if not exactly the term, is very old, and the germs of both may be found in the famous Ṛg Veda Mantra: इन्द्रो मायाभिः पुरुरूप ईयते (Ṛg. V. S., VI. 47. 18), where the magical, self-multiplicative power of the Lord (इन्द्र) is clearly indicated. I fail to see any justification, therefore, in the view usually held attributing to Aśvaghoṣa the credit of inventing the theory of Nirmaṇakāya. Besides, Pañchaśikha's lost Yogasūtra, which Vyāsa quotes and to which reference is made above, contains an open declaration of this particular doctrine. That Pañchaśikha had been a very ancient Sāṅkhya authority even in the days of Aśvaghoṣa (100 A. D.) may be taken for granted. Indian tradition invariably makes Pañchaśikha the 3rd Sāṅkhyāchārya in order from Kapila; Jaigīṣavya and others being comparatively recent. In the Buddhacharita (XII. 67) Aśvaghoṣa refers to Jaigīṣavya as one of the ancient Saṅkhya teachers whose views were represented by Alāḍa Kālāma, the scholar to whom Buddha repaired in search of wisdom; and if Pañchaśikha is earlier than Jaigīṣavya he must be considered as belonging certainly to the pre-Buddhistic age*.

*Cf also Hariharānanda's Introduction to Pañchaśikha, pp. 2-4. The only argument which Dr. Garbe (Sānkhya und Yoga, p. 3) advances against the high antiquity of Pañchaśikha is what he considers to be the linguistic testimony of his fragments. But this is a highly questionable testimony on which diversities of opinion are possible. But even if this be conceded there can be no denying the fact that Pañchaśikha was pre-Christian, at least prior to Aśvaghoṣa, in age. (cf. Dr. Belvalkar's paper on the Māṭhara vṛtti in Bhandarkar Memorial Volume, p. 180, f. note 2, where he seems inclined to claim for Pañchśikha a period before 200 B. C.). In support of the great antiquity of this Āchārya it may be pointed

Of course this does not preclude the possibility that Aśvaghoṣa gave to the doctrine of Nirmāṇa a prominence in the popular mind, and even a tinge, which it had lacked in the earlier centuries, but it does not seem that he was its original propounder.

The meaning of the term Nirmāṇakāya is now practically established. It shows that the word Nirmāṇa has not in this phrase its later and ordinary sense of "natural formation". It implied in the ancient literature the notion of the miraculous, self-multiplicative or multiformative power of the Adepts—a notion which seems to have been well nigh forgotten in the subsequent ages. While explaining the term Nirmāṇarati, the name of a class of devas (Mahabhārata, Anuśā° Parva, XVIII.75), Nilakaṇṭha rightly brings out the old and peculiar sense of nirmāṇa when he notes निर्माणमनेकधाभवनं योगेनानेकशरीरधारणम् (Baṅgavāsī Ed., p. 1883). Haridāsa seems to be wrong, therefore, in expounding the phrase as निर्माणार्थं कायः। The word, as in this phrase, is an adjective rather than a verbal noun, and means literally "contrived by magic, brought forth in an extraordinary manner." Even when used as a substantive it stands for an object, usually a body, which is so contrived (निर्मीयत इति निर्माणः). The Divyāvadāna (Cowell & Neil's Ed., pp. 162 & 166), and Vasubandhu's Com-

out that one of the works of Pañchaśikha, viz. Ṣaṣṭitantra (Vāchaspati's ascription of it to Vārṣagaṇya in Bhāmati on 2. 1. 3 may be an oversight) was known to early Jain literature, e.g. Bhagavatī Sūtra (See Weber, Bhagavatī II. pp. 246-8). Dr. Keith also in his recent work on 'The Sāṅkhya System' seems to make Pañchaśikha a comparatively late author, placing him with Dr. Garbe (*Sāṅkhya Philosophie*, p.34) in the first century A. D. or even a century later (p 43). We propose to deal with the arguments of Keith at length in a separate paper.

mentary on Mahāyāna Sūtrālaṅkāra (9. 63) illustrate the use of the terms निर्माण and निर्माणकाय in this sense*.

*Cf. also Poussin, *The Three Bodies of a Buddha*, in J. R. A. S., 1906 (p. 968). For some interesting notes on Nirmāṇakāya see also D. T. Suzuki, *Outlines of Mahāyāna Buddhism*, pp. 73, 257, 268; W. M. Mc. Govern, *An Introduction to Mahāyāna Buddhism*, pp. 75-98.